

REMARKS

I. Introduction

This is a full and timely response to the non-final Office Action of August 25, 2005. Claims 1-24 are pending in this application. No new matter has been added. A Petition for Three Month Extension of Time and fee have been concurrently filed with this response.

II. REJECTION OF CLAIMS 1-5, 8, 13-17 and 20 UNDER U.S.C. § 102

The Office Action rejected claims 1-5, 8, 13-17 and 20 under 37 C.F.R. § 102(e) as being anticipated by U.S. Patent No. 6,624,096 to Thomas et al. (hereinafter “*Thomas*”). This rejection is respectfully traversed.

Independent claims 1 and 13 include the element “a plurality of relatively tough yarns provided in discrete positions within the fabric body”. Applicants’ description states that “[t]he fabric includes relatively tough yarns in the fabric body, for instance in a grid pattern. As is known in the art, ‘toughness’ is a property that pertains to a material’s (in this case yarn’s) ability to resist breakage. The term ‘relatively tough’ is used herein to describe yarns that have higher toughness than the remainder of the yarns (i.e. body yarns) of the fabric.” Specification, page 4, lines 18-22. *Thomas* relates to a fabric of firefighter’s garment with spun yarns and multi-filament yarns. However, *Thomas* does not disclose that the any of the yarns used in the fabric are “relatively tough yarns”. Therefore, *Thomas* does not include each and every element of the Applicants’ claims 1 and 13, and these claims should be allowable over the cited reference.

Claims 2-4, 8, 14-17, and 20 are dependent from either claims 1 or 13, for which arguments of patentability have been advanced above. These dependent claims should also be allowable over the cited reference for similar reasons.

III. REJECTION OF CLAIMS 1-4, 8-16 and 20-24 UNDER 35 U.S.C. 102

The Examiner rejected claims 1-4, 8-16 and 20-24 under 37 C.F.R. § 102(b) as being anticipated by *Sayers* (3,729,920). This rejection is respectfully traversed.

Independent claims 1 and 13 include the element “a plurality of relatively tough yarns provided in discrete positions within the fabric body”. Applicants’ description states that “[t]he fabric includes relatively tough yarns in the fabric body, for instance in a grid pattern. As is known in the art, ‘toughness’ is a property that pertains to a material’s (in this case yarn’s) ability to resist breakage. The term ‘relatively tough’ is used herein to describe yarns that have higher toughness than the remainder of the yarns (i.e. body yarns) of the fabric.” Specification, page 4, lines 18-22. *Sayers* relates to a novelty core yarn with a continuous glass filamentary core and a sheath of roving or textile fibers with flame resistant properties. However, *Sayers* does not disclose that the any of the yarns used in the fabric are “relatively tough yarns”. Therefore, *Sayers* does not include each and every element of the Applicants’ claims 1 and 13, and these claims should be allowable over the cited reference.

Claims 2-4, 8-12, 14-16, and 20-24 are dependent from either claims 1 or 13, for which arguments of patentability have been advanced above. These dependent claims should also be allowable over the cited reference for similar reasons.

IV. REJECTION OF CLAIMS 6, 7, 18 and 19 UNDER 35 U.S.C. 103

The Examiner rejected claims 6, 7, 18 and 19 under 37 C.F.R. § 103(a) as being unpatentable over U.S. Patent No. 6,624,096 to *Thomas*. This rejection is respectfully traversed.

As stated above, independent claims 1 and 13 include the element “a plurality of relatively tough yarns provided in discrete positions within the fabric body”. Applicants’ description states that “[t]he fabric includes relatively tough yarns in the fabric body, for instance in a grid pattern. As is known in the art, ‘toughness’ is a property that pertains to a material’s (in this case yarn’s) ability to resist breakage. The term ‘relatively tough’ is used herein to describe yarns that have higher toughness than the remainder of the yarns (i.e. body yarns) of the fabric.” Specification, page 4, lines 18-22. *Thomas* relates to a fabric of firefighter’s garment with spun yarns and multi-filament yarns. However, *Thomas* does not disclose or suggest that any of the yarns used in the fabric are “relatively tough yarns”. Since *Thomas* does not disclose or suggest each and every element of the Applicants’ claims 1 and 13, these claims should be allowable over the cited reference. Therefore, dependent claims 6, 7, 18, and 19 should also be allowable over the cited reference.

V. DOUBLE PATENTING

The Office Action provisionally rejected claims 1-24 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-6, 8-13, and 17-24 of copending Application Serial No. 10/269,213. Assignee submits a terminal disclaimer that disclaims any portion of term for a patent issuing from the present application that will extend beyond the term of the patent issuing from the ‘213

Application. This rejection is believed to be traversed, and allowance of these claims is respectfully requested.

CONCLUSION

Claims 1-24 are pending in the application. The Office Action rejections are believed to be traversed by the present response. Claims 1-24 should now be in condition for allowance. The Examiner is invited and encouraged to contact the undersigned attorney of record at (404) 815-6048 if such contact will facilitate a Notice of Allowance for claims 1-24. If any additional fees are due, the Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, to Deposit Account No. 11-0855.

Respectfully submitted,



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